

EXHIBIT 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

HUAWEI TECHNOLOGIES, CO., LTD. et al.,

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO. LTD., et al.,

Defendants.

Case No. 16-cv-02787-WHO

SAMSUNG ELECTRONICS CO., LTD, &
SAMSUNG ELECTRONICS AMERICA, INC.

Counterclaim-Plaintiffs,

v.

HUAWEI TECHNOLOGIES, CO., LTD,
HUAWEI DEVICE USA, INC., HUAWI
TECHNOLOGIES USA, INC., & HISILICON
TECHNOLOGIES CO., LTD.,

Counterclaim-Defendants.

**EXPERT REPORT OF MICHAEL A.M. DAVIES
April 27, 2018**

I. BACKGROUND AND QUALIFICATIONS

1. My name is Michael Allan Martin Davies. I am Senior Partner and Chairman of Endeavour Partners, LLC, and a Senior Lecturer and Principal Investigator at the Massachusetts Institute of Technology.

2. I have spent more than twenty-five years working in telecommunications, electronics, and related industries. I worked first as an engineer, then as a manager and executive, and now as an academic, consultant, expert, entrepreneur, and advisor. I have worked for a wide variety of technology and manufacturing companies on issues relating to manufacturing, logistics, supply chain management, research and development, product development, technology, strategy, software development and architecture, and innovation. My work involves the connections between technology, innovation, product development, new product adoption and diffusion, consumer choice and behavior, and the emergence and evolution of business ecosystems.

3. I received a Bachelor of Arts and a Master of Arts in Engineering and in Electrical Sciences from St. Catharine's College at the University of Cambridge; a Master of Engineering in Cybernetics, Robotics and Microelectronics from the University of Durham; and a Master of Business Administration from London Business School (with Distinction). My educational work focused on engineering and electrical sciences; cybernetics and robotics; microelectronics including the design of microchips; and management science. I have attached my curriculum vitae as Exhibit 1.

4. I am currently Senior Partner and Chairman of Endeavour Partners, LLC, a strategy consulting firm with expertise in mobile and digital businesses and technologies. I work with companies impacted by the business and technology forces at play in the mobile and digital sectors to help them anticipate technological innovations, consumer needs, and the emergence

and evolution of business ecosystems so they are capable of navigating opportunities for growth and innovation.

5. I have experience working throughout the mobile and digital sectors, including the convergence of mobile, internet, and digital technologies. My work in this area includes the communications sector, such as mobile devices including mobile phones (basic cellular phones, feature phones, smartphones), tablets and phablets, services and networks (broadband and internet), computers (components, hardware, and software), electronic hardware (semiconductors and ICs, PCB design, and manufacturing), consumer electronics, content (video, audio, and applications), and commerce.

6. I began my work in the manufacturing sector on the design, development, and deployment of mechanical, electrical, and high-tech products. For example, as Chief of Strategy for BellSouth International's venture in New Zealand (BellSouth NZ, now Vodafone New Zealand), I collaborated with Apple and Nokia on digital connectivity for the Apple Newton and then with Nokia on the development and testing of the Nokia Communicator 9000, the first smartphone that used digital connectivity. Since then I have focused on supply chain management, the challenge of incorporating high end technologies, building new business models, and developing effective business strategies, among other things.

7. I am CEO and co-founder of a startup whose flagship product is an electronic hardware platform. As founder, I designed, developed, tested, built, and deployed a digital electronic product using semiconductor components, PCB design and prototyping, circuit testing techniques, and manufacturing. In addition, as CEO, I managed the IT operations of this business, which included deployment and maintenance of in-house data servers.

efficiency is to use orthogonal frequency-division multiplexing (OFDM). Other schemes like code-division multiple access (CDMA) cannot be used, for reasons including some issues related to mobility management.

27. Such considerations related to essentiality and standardization need to be factored into any antitrust position. If a patent holder holds patents of the type where there were a number of credible alternative implementations prior to a single implementation being selected for incorporation into the standard, the patent holder would be in violation of antitrust regulations by asking for an injunction. While the holder asserts that their patent is standard essential, in reality it was perhaps arbitrarily selected from a pool of other equally feasible and applicable implementations. In this case, the patent holder's behavior is also inconsistent with the commitments they have made with the standards body. A holder should not be granted an injunction on a patent ex-post if the patent was only one of a number of equally plausible alternatives ex-ante.

IV. LEVEL OF ORDINARY SKILL IN THE ART

28. I have been told by counsel that "a person of ordinary skill in the art" ("POSITA") is a hypothetical person to whom an expert in the relevant field could assign a routine task with reasonable confidence that the task would be successfully carried out. I have been informed that the level of skill in the art is evidenced by the prior art references.

29. I am informed, and it is consistent with my review, that the earliest priority date for the '192 Patent Application is its April 7, 2010 priority date. The prior art discussed herein demonstrates that, at the time the '192 Patent Application was filed, a person of ordinary skill in the art would have had at least a bachelor's degree in electrical engineering, computer engineering, or computer science, with at least two to three years of experience in

April 27, 2018

Date

A handwritten signature in blue ink, appearing to read "Michael A.M. Davies", written in a cursive style.

MICHAEL A.M. DAVIES